THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.18969 OF 2005

Dated 29th August 2005

Between:

A.Vijaya Kumar S/o.Basappa, 53 years,

Occu:Secretary, Primary Agrl.Co-operative Society Ltd.,

Navandgi, R/o.Navandgi, Basheerbad Mandal,

R.R.District.

…Petitioner

And

The Primary Agricultural Cooperative Society Ltd.,

Navandgi, and two others.

…Respondents

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O R D E R:

The petitioner is working as Secretary of the first respondent society. The second respondent issued a memo, dated 1.8.2005, requiring the petitioner to remit the amount, indicated in the Special Audit Report dated 2.3.2005, immediately, failing which, steps would be taken to recover the amount. The petitioner challenges the said memo, on several grounds. The grievance of the petitioner is that neither a show-cause notice was issued to him, pointing out the basis for such a step, nor the copy of the audit report made available to him.

Heard Sri Nandigam Krishna Rao, learned counsel for the petitioner, and Sri R.Radhakrishna Reddy, learned Standing Counsel for respondents 1 and 2.

A perusal of the memo, dated 1.8.2005, discloses that the Special Audit Report constituted the basis for issuance of the same, and the petitioner was required to remit that amount. Neither the petitioner is required to show-cause, nor the basis there for is indicated. If the Special Audit Report had pointed out any irregularity, in the matter of payment of salary to the petitioner, the further action needs to be taken, only on the basis of the steps taken by the management. The report had to be accepted by the Managing Committee, and a show-cause notice is required to be served upon the petitioner, pointing out the basis for the proposed action. Mere existence of audit report, does not enable the respondents to effect recovery.

On this short ground, the writ petition is allowed, and the impugned memo is set aside. It is, however, left open to the respondents, to take further steps, in accordance with law. There shall be no order as to costs.

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29th August 2005

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